

Application No.: 10/524,803
Amendment Dated: August 13, 2008
Reply to Office Action of: May 30, 2008

MAT-8669US

Remarks/Arguments:

The present invention relates to a radio communication system using space division multiple access and space division multiplex transmission methods. Specifically, the transmitter decides whether the mobile station is space division multiplex (SDM) compatible or SDM incompatible. This decision determines the transmission method.

On page 2, the Official Action rejects claims 29-43 under 35 U.S.C. § 112, second paragraph. Claims 29-43 have, therefore, been amended in order to address the 112 issues cited by the Examiner on pages 2-4 of the Official Action. The claims now recite proper antecedent basis. Withdrawal of the 112 rejection is respectfully requested.

On page 4, the Official Action rejects claims 29, 30 and 33-35 under 35 U.S.C. § 102(e) as being anticipated by Onggosanusi et al. (U.S. Patent No. 7,110,378). It is respectfully submitted, however, that the claims are patentable over the art of record for the reasons set forth below.

On page 9, the Official Action states that dependent claim 36 is not suggested by prior art. Claim 36 was only rejected based on 35 U.S.C. § 112. Thus, Applicants have inserted the 112 compliant feature of dependent claim 36 into independent claim 29.

Applicants' invention, as recited by claim 29, includes a feature which is neither disclosed nor suggested by the art of record:

... a deciding section for allocating the space-division-multiple-access compatible mobile station and the space-division-multiplex compatible mobile station by use of a predetermined space division multiplex transmission evaluation criterion and space division multiple access evaluation criterion ...

Claim 29 relates to a deciding section that is able to determine whether the mobile station is space division multiple access compatible or space division multiplex compatible. This decision is based on predetermined space division multiplex transmission criterion and space division multiple access evaluation criterion. This

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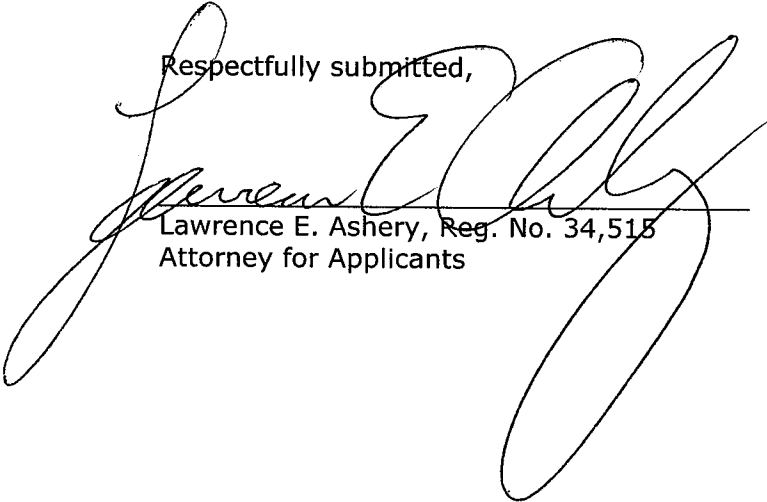
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feature is at least found on page 22, lines 15-25 of the specification and furthermore, in Figs. 3A and 3B. Once the decision is made by the deciding section, the proper transmission is then made as shown in Fig. 1. Specifically, the SDM compatible mobile station 2-1 receives two transmission beams, whereas the SDM incompatible mobile stations 3-1 and 3-2 only receive a single transmission beam. This feature allows the system to decide whether the receiving mobile station is SDM compatible. No new matter has been added. This feature is not found in the art of record as stated on page 9 of the Official Action. Accordingly, for the reasons set forth above, claim 29 is patentable over the art of record.

Claims 30-35 and 39-43 include all the features of claim 20 from which they depend. Thus, these claims are also patentable over the art of record for the reasons set forth above.

In view of the amendments and arguments set forth above, the above-identified application is in condition for allowance, which action is respectfully requested.

Respectfully submitted,



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Dated: August 13, 2008

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